

GAYLE I. HOLMES)	
Claimant)	
VS.)	
)	
MEDICALODGES INC.)	Docket No. 211,917
Respondent)	
AND)	
)	
MEDICALODGES AFFILIATED)	
Insurance Carrier)	

After reviewing the record and considering the arguments, the Appeals Board finds that the Order by the Administrative Law Judge should be modified. Respondent relies in part upon the provisions of K.S.A. 44-535 which provides in pertinent part that the right to compensation should be deemed to have accrued on the date of the accident.

The Appeals Board agrees, however, with the argument made by claimant that medical mileage is a reimbursement, not a form of compensation. The mileage rate is determined annually pursuant to K.S.A. 75-3203a. The rate is fixed based upon a determination of the costs of travel. For this reason the Appeals Board considers the mileage provisions to be a reimbursement for expenses, not a compensation right which accrues on the date of accident. Claimant should be entitled to reimbursement for medical mileage at 29 cents per mile for miles driven prior to July 1, 1996, and at 30 cents per mile beginning July 1, 1996.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Nelsonna Potts Barnes dated January 27, 1997, should be, and the same is hereby, modified. Claimant is awarded medical mileage reimbursement at the rate in effect at the time the miles were driven.

IT IS SO ORDERED.

Dated this ____ day of March 1997.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Steven R. Wilson, Wichita, KS
Kim R. Martens, Wichita, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director